

Michael Marino

Condenself!™

January 19, 2005

1	UNITED STATES DISTRICT COURT	Page 1	1	INDEX TO WITNESS	Page 3
2	DISTRICT OF SOUTH DAKOTA		2	Examination	
3	SOUTHERN DIVISION		3	BY Mr. Abourezk	p. 4
4	*****		4		
5	James G. Abourezk,		5	INDEX TO EXHIBITS	
6	-vs- Plaintiff,		6	Marked for Identification	Offered for Evidence
7			7		
8	ProBush.com, Inc., a Pennsylvania		8	Exhibit 13	p. 32
9	corporation, and Michael Marino,		9	(Traitor List)	
10	an individual,		10	Exhibit 14	p. 74
11	Defendant.		11	(Patriot List)	
12			12	Exhibit 15	
13	Johnson, Heidepriem, Miner,		13	(Printout of ProBush.com website	
14	Marlow & Janklow		14	starting with "Bush Hater?")	
15	Sioux Falls, SD		15	Exhibit 16	p. 43
16	January 19, 2005		16	(Printout of iFriends Live Browse, Videochat	
17	10:00 o'clock a.m.		17	Category: Psychics/Advice)	
18	*****		18	Exhibit 17	p. 70
19	DEPOSITION OF		19	(Printout of ProBush.com starting with	
20			20	"President of the United States of America")	
21	Michael Marino		21		
22	*****		22		
23	APPEARANCES:		23		
24	Mr. Todd D. Epp		24	*****	
25	Abourezk Law Offices		25	The original transcript of this deposition was	
	Box 1164			given to Mr. Abourezk.	
	Sioux Falls, SD 57101-1164				
	-and-				
	Mr. Charles Abourezk				
	Abourezk law Office				
	Box 9460				
	Rapid City, SD 57709				
	for the Plaintiff				

1	APPEARANCES: (Continued)	Page 2	1	STIPULATION	Page 4
2	Mr. Ronald Parsons		2	It is stipulated and agreed by and between	
3	Ms. Kimberly J. Lanham		3	the above-named parties, through their	
4	Johnson, Heidepriem, Miner, Marlow & Janklow		4	attorneys of record, whose appearances have	
5	P.O. Box 1107		5	been hereinabove noted, that the deposition of	
6	Sioux Falls, SD 57101-1107		6	Michael Marino may be taken at this time and	
7	for the Defendants		7	place, that is, at the offices of Johnson,	
8			8	Heidepriem, Miner, Marlow & Janklow, Sioux	
9			9	Falls, South Dakota, on the 19th day of	
10			10	January, 2005, commencing at the hour of 10:00	
11			11	o'clock a.m.; said deposition taken before Jill	
12			12	M. Connelly, Notary Public within and for the	
13			13	State of South Dakota; said deposition taken	
14			14	for the purpose of discovery or for use at	
15			15	trial or for each of said purposes, and said	
16			16	deposition is taken in accordance with the	
17			17	applicable Rules of Civil Procedure as if taken	
18			18	pursuant to written notice.	
19			19	MICHAEL MARINO,	
20			20	called as a witness, being first duly sworn,	
21			21	testified as follows:	
22			22	EXAMINATION BY MR. ABOUREZK:	
23			23	Q. State your name and address for the record,	
24			24	please.	
25			25	A. Michael Marino, 69 Wexford Avenue, North Wales,	



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1 A. GoDaddy.com.
 2 Q. What do you pay a month to have that host?
 3 A. It depends on bandwidth.
 4 Q. On average what would you say?
 5 A. Right now?
 6 Q. Yes.
 7 A. I pay about \$250 per year average.
 8 Q. Are there any other costs associated with
 9 maintaining that website other than that?
 10 A. There's costs that go into it, domain name
 11 purchasing, purchasing the domain name, hosting
 12 the account, e-mail accounts. There's multiple
 13 things in purchasing a website.
 14 Q. What would maintaining that domain name cost
 15 you?
 16 A. The domain name costs, I'd say between five and
 17 ten dollars, so you can purchase a domain name
 18 for five or ten dollars.
 19 Q. Is that a year?
 20 A. No. That's a domain name price. It depends on
 21 if it's available or not. If it's not
 22 available, there's other things that can go
 23 into it.
 24 Q. So it's a one-time fee?
 25 A. I believe so. I'm not sure. My brother is a

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1 bigger domainer than I am. I'm not a
 2 domainer. I'm a webmaster.
 3 Q. What would you say total, if you were going to
 4 give me an estimate right now, what are you
 5 paying for that per year to keep that website
 6 up and running?
 7 A. I just told you, \$250.
 8 Q. I understand, but you gave me some other
 9 costs. I'm talking about all together.
 10 A. I gave you the all together.
 11 Q. You named some other things earlier, too.
 12 A. What's that?
 13 MR. PARSON: Domain name.
 14 A. Domain name, e-mail accounts. That's all
 15 included in a package you purchase from
 16 GoDaddy. It's in a package.
 17 Q. That's all \$250 for the whole package?
 18 A. Approximately, yes. It's all in that one
 19 package.
 20 Q. Now, how do you go in and change the content of
 21 your website? Do you do that yourself?
 22 A. Yes.
 23 Q. Do you do it from home?
 24 A. Do I do it from home?
 25 Q. Or from your office.

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1 A. From home, yes.
 2 Q. What's that process entail? What do you have
 3 to do?
 4 A. I open a web publisher called Microsoft Front
 5 Page, and it brings up basically the web page.
 6 It brings up a blank Word document, and you go
 7 on from there. You design, develop a website
 8 using content and borders. Basically you
 9 decorate it. You decorate your website with
 10 words and pictures.
 11 Q. When you want to edit or modify something
 12 that's already on the website, is it a similar
 13 process?
 14 A. Yes.
 15 Q. Is it easy to modify it?
 16 A. Yes, for people who are web oriented. If you
 17 know nothing about the web, you wouldn't know
 18 how to do it.
 19 Q. Now, how often would you say you update or
 20 change that web page?
 21 A. Once a month.
 22 Q. Do you keep records of what items are added
 23 when?
 24 A. No.
 25 Q. Does anyone keep records of that?

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1 A. No. Mental.
 2 Q. Mental?
 3 A. Mental record.
 4 Q. Now, when I talk about the Traitor List, you'll
 5 know what I'm talking about here. Correct?
 6 A. Absolutely.
 7 Q. Where did you find this master list of
 8 celebrities that you used to formulate the
 9 Traitor List?
 10 A. The Not In Our Name Petition.
 11 Q. Where did you see that at?
 12 A. On the Internet.
 13 Q. And you essentially took well-known names from
 14 that list?
 15 A. Yes.
 16 Q. Not all the names.
 17 A. Names that didn't come up in Google, a Google
 18 search, per se. You type in a name in Google,
 19 if they came up on the image directory, that
 20 was it.
 21 Q. What was the reason for leaving off people who
 22 didn't come up on Google?
 23 A. What was the reason? I figured, you know, if
 24 their name was signed on a petition, and their
 25 picture, multiple pictures had come up on a

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1 Google image search, I figured they were a
 2 public figure or famous of some sort.
 3 Q. Why would you want to --
 4 A. And it was associated. The Not In Our Name
 5 Petition had a lot of famous people on it that
 6 I could look at and notice.
 7 Q. Why would you want to single out public figures
 8 or famous people to --
 9 A. I didn't want to single out anyone. This was
 10 -- I was a little sick and tired of the
 11 protestors, the anti-Bush websites on the web.
 12 If you are on the web at all, I don't know,
 13 you'll find there's multiple anti-Bush websites
 14 calling him a murderer, a baby killer. I was a
 15 little tired of that. So I figured I'd throw a
 16 website to support our President.
 17 Q. I guess what I'm talking about, you made a
 18 choice to leave off people who didn't come up
 19 on Google, and the people that did, who you
 20 earlier said were public figures, you decided
 21 to put them on your list. Why public figures?
 22 A. Why public figures?
 23 Q. Yes.
 24 A. Because they're famous, and that's what causes
 25 traffic.

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1 Q. Causes what?
 2 A. Traffic.
 3 Q. Explain that.
 4 A. Traffic on the web, you make money on traffic.
 5 The more visitors you get, the more possibility
 6 of them going to your store and so on, clicking
 7 on Hot Links.
 8 Q. So, in other words, if I was just a person
 9 getting on Google, for example, and I typed in
 10 Abourezk, it would pop up your website, too.
 11 A. Possibly.
 12 Q. Is that what you mean by traffic? If you mean
 13 something different, tell me.
 14 A. Controversy causes traffic.
 15 Q. So you wanted to create controversy in order to
 16 get more visitors to your website?
 17 A. Yes.
 18 Q. Did you?
 19 A. Absolutely.
 20 Q. After you added those people in that Traitor
 21 List, how much of an increase did you see on
 22 traffic on your website?
 23 A. It wasn't until after we had a Fox News article
 24 of something else on our website called the
 25 Ari Fan Club. He was a former press secretary,

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1 Ari Fleischer. That's what basically boosted
 2 the website up into, I guess into the eyes of
 3 the Internet where it became a popular website
 4 to go to.
 5 Q. Did you believe the Not In Our Name Petition
 6 had been done in bad taste?
 7 A. Yes.
 8 Q. Explain what you mean by that, by "bad taste."
 9 A. I just didn't like what they said about our
 10 President. They were disagreeing -- if I had
 11 the Petition in front of me, I could read a
 12 couple things off the Petition that I really
 13 didn't agree with.
 14 MR. PARSON: It is an exhibit.
 15 Q. That's fine if you want to look at it.
 16 MR. PARSON: Exhibit 7.
 17 A. Statements such as, "The signers of this
 18 statement call on the people of the United
 19 States to resist the policies and overall
 20 political direction that have emerged since
 21 9-11, and which pose grave dangers to the
 22 people of the world." That bothered me a
 23 little bit, to resist the United States
 24 policies. You live in the United States. How
 25 can you resist their policies?

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1 Q. Anything else trouble you there?
 2 A. I'd say the whole petition troubled me. I
 3 could read the whole thing.
 4 Q. That's okay. We can put it in and save some
 5 time here. Other than creating traffic for
 6 your website, were there any other reasons at
 7 the time for the development of the Traitor
 8 List?
 9 A. To, I guess, counter the anti-Bush websites on
 10 the web. There's multiple sites out there that
 11 bash Bush. As you can see on the web, there's
 12 not many pro-Bush websites. We kind of coined
 13 the term "proBush."
 14 Q. Now, you know how famous and infamous things
 15 are created. Where did the actual idea, when
 16 did it get developed? Was it you and your
 17 brother talking?
 18 A. ProBush.com?
 19 Q. Yes.
 20 A. It was probably conversations between me and my
 21 brother -- my brother and I, excuse me, yes.
 22 Q. What did you discuss with him?
 23 A. Discussed how we would develop the website. It
 24 kind of started as a real shabby website. It
 25 was one page at one point. Then in web